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Paper No.

Yefim Zhuk
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OFFICE OF PETITIONS

In re Application of :
Yefim Zhuk : DECISION ON PETITION
Application No. 10/709,460 :
Filed: May 6, 2004 :
Title: KNOWLEDGE-DRIVEN :
ARCHITECTURE :

This is a decision on the Petition to withdraw holding of abandonment under 37 CFR 1.181 filed March 15, 2007 (and resubmitted April 12, 2007).

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed July 26, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective October 27, 2006. A courtesy Notice of Abandonment was mailed on March 7, 2007.

In response, applicant timely filed the instant petition to withdraw the holding of abandonment within 2 months of the mailing of the notice of abandonment. Applicant contends that he timely filed a response by way of facsimile transmission on October 23, 2007. In support thereof, applicant submits a copy of the response and a copy of their facsimile confirmation USPTO. The petition does not include a statement from the person who sent the response by facsimile transmission.

Nonetheless, petitioner's evidence and arguments have been considered and it is concluded that the requirements of 37 CFR

§ 1.8(b) have been met. Petitioner has shown to the satisfaction of the Director that the response should be considered timely filed by facsimile transmission on October 23, 2006. It is noted that there is a facsimile confirmation that shows the response was transmitted to the wrong number, but there is also a facsimile confirmation that shows the response was resent on October 23, 2006 to the correct number 571-273-8300.

In view thereof, the Notice of Abandonment mailed March 7, 2007 is hereby vacated, and the holding of abandonment is withdrawn.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2168 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response resubmitted on petition filed March 14, 2007 (and resubmitted April 12, 2007).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions